COURT NO.2

IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (S/S) 2454/2001
(Old No. 8931/1999)

Hemant Kumar Goyal,
S/o Sri Ramesh Chandra Goyal,
R/o House No. 376/2,
Jagriti Bihar,
Meerut.

.....Petitioner

Versus

1. The Engineer-in-Chief,
   Adhisthan-3, Anubhag
   Sichai Vibhag,
   Lucknow.
2. The Superintending Engineer,
   Eastern Ganga Canal Construction Circle,
   Haridwar.
3. The Executive Engineer,
   Eastern Ganga Canal Construction,
   Division-III, Hardwar
   Now transferred to Bijnor.

.....Respondents

Sri Sharad Sharma, learned Counsel for the petitioner.
Sri H.M. Raturi, learned Standing Counsel for the respondents.

13th December, 2007

Hon'ble P.C. Verma, J.

By means of this writ petition, the petitioner has prayed for the following reliefs:

> "(i) an order, direction or writ in the nature of mandamus direction/commanding the respondents to pay the petitioner his salary and other service emoluments due from time to time on the post of Assistant Store Superintendent having the same grade as that of the Junior Engineer from June, 1984 up to

now and continue to pay the same every month thereafter.

(ii) an order, direction or writ in the nature of mandamus commanding the respondents to accord to petitioner all his service benefits such as annual increment, revised pay scale from time to time and promotion as and when it fell due and pay the arrears of salary as such and continue to pay the same every month thereafter including the interest as the rate of 24% per annum.

(iii) any other suitable order, direction or writ which this Hon'ble court may deem fit and proper in the circumstances of the case.

(iv) an order for costs."

2. Petitioner was holding the post of Assistant Store Superintendent at Eastern Ganga Canal Construction Division-III at Hardwar. He was suspended by the respondent no. 2 vide order dated 16.6.1984 on charges of embezzlement. Being aggrieved, the petitioner preferred writ petition no. 3185 of 1984 at Lucknow Bench of Allahabad High Court, which was disposed of quashing the suspension order and with observation that enquiry proceedings may go on if they are contemplated against the petitioner. In the counter-affidavit, it has been alleged on behalf of the respondents that after the abovementioned order the petitioner never turned up to join his duties.

3. Under these circumstances, it is provided that the petitioner may make the representation for arrears of salary or other dues, if any, and the Engineer-in-Chief

shall decide the representation within a period of one month from the date of representation and if any dues is found to be paid that shall be paid within a period of one month from the date of decision of the representation.

4. With the above direction, the writ petition is finally disposed of. No order as to costs.

(P.C. Verma, J.)

Prabodh